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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, JANUARY 24, 2002

COMMONWEALTH OF VIRGINIA, ex rel.

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. PUC970135

Ex Parte, in re: Implementation  
of Requirements of § 214(e) of  
the Telecommunications Act of  
1996

IN RE:

APPLICATION OF VIRGINIA CELLULAR LLC

CASE NO. PUC010263

For designation as an eligible  
telecommunications carrier under  
47 U.S.C. § 214(e)(2)

ORDER REQUESTING COMMENTS,  
OBJECTIONS, OR REQUESTS FOR HEARING

On September 15, 1997, the State Corporation Commission ("Commission") established the docket in Case No. PUC970135 to consider the requests of local exchange carriers ("LECs") to be designated as eligible telecommunications carriers ("ETC designation") to receive universal service support pursuant to § 214(e) of the Telecommunications Act of 1996, 47 U.S.C. § 251 et seq., (the "Act") and associated Federal regulations.<sup>1</sup> The

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<sup>1</sup> 47 C.F.R. § 54.201-207.

Commission has asserted jurisdiction under § 214(e)(2) of the Act to make ETC designations.<sup>2</sup>

On December 21, 2001, Virginia Cellular LLC ("Virginia Cellular") filed its Application for ETC designation, which is now docketed as Case No. PUC010263 and is consolidated with Case No. PUC970135. Virginia Cellular is a Commercial Mobile Radio Service ("CMRS") provider as defined in 47 U.S.C. § 153(27) and provides interstate services as described in 47 U.S.C. § 254(d) and 47 C.F.R. § 54.703(a). Virginia Cellular is authorized as the "A-band" cellular carrier for the Virginia 6 Rural Service Area ("RSA"), serving the counties of Rockingham, Augusta, Nelson, and Highland, as well as the cities of Harrisonburg, Staunton, and Waynesboro.<sup>3</sup>

Virginia Cellular requests immediate ETC designation in certain non-rural LEC exchanges identified in Attachment B of its Application.<sup>4</sup> Virginia Cellular also requests immediate ETC

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<sup>2</sup> See Order Granting Waiver, issued December 17, 1997, designating listed LECs as eligible telecommunications carriers. The Application of Virginia Cellular is the first by a CMRS provider seeking ETC designation.

<sup>3</sup> Virginia Cellular states that it has constructed an analog cellular system and plans to implement an upgrade to digital service in 2002, which will include E-911. Virginia Cellular represents that it can deliver high quality service to rural areas of its system and offer customers a viable alternative to the incumbent wireless network.

<sup>4</sup> ETC designation is requested for the following non-rural exchanges in the Verizon South Inc. territory: Broadway, Edom, Dayton, Keezletown, Harrisonburg, McGaheysville, Bridgewater, Weyers Cave, Grottoes, Elkton, Amherst, and Gladstone. ETC designation is requested in non-rural exchanges in Verizon Virginia Inc. territory including: Staunton, Craigsville, Lovingston, Greenwood, and Pine River. ETC designation is requested in the Central Telephone Company non-rural exchange of Schuyler.

designation in certain rural incumbent local exchange carrier ("ILEC") exchanges identified in Attachment C of its Application.<sup>5</sup>

The Commission is of the opinion that all LECs should have an opportunity to file comments, objections, or requests for hearing. Virginia Cellular has only served the ILECs in whose territory Virginia Cellular seeks ETC designation. Therefore, we will cause this Order to be served upon all LECs and further direct Virginia Cellular to provide a copy of its Application to any party or LEC requesting a copy. Copies of the application can be obtained by contacting Virginia Cellular's counsel, David A. LaFuria, Lukas Nace Gutierrez & Sachs, 1111 Nineteenth Street, N.W., Suite 1200, Washington, D.C. 20036.

Any party or LEC desiring to file comments, objections, or request for hearing should do so no later than February 20, 2002. Any objections should include a statement of all reasons for such opposition; and if the objection is to a specific territory, that territory should be clearly defined. Virginia Cellular should be granted leave to file a reply to any comments or objections, and said reply should be filed on or before March 4, 2002.

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<sup>5</sup>

ETC designation is requested for the following ILEC rural exchanges: New Hope Telephone Company - New Hope exchange; North River Telephone Cooperative - Mount Solo exchange; Highland Telephone Cooperative - Blue Grass, Mill Gap, and Monterey exchanges; Mountain Grove - Williamsville Telephone Company - McDowell, Williamsville, and Deerfield exchanges.

Accordingly, IT IS ORDERED THAT:

(1) Virginia Cellular shall provide a copy of its Application to any party or LEC requesting a copy.

(2) On or before February 20, 2002, any party or LEC may file its comments, objections, and/or request for hearing, consistent with the findings above.

(3) Virginia Cellular is hereby granted leave to file its reply to any comments or objections on or before March 4, 2002.

(4) These consolidated cases are now continued.